



# Department of Planning, Housing, & Community Development

**Mayor, Matthew T. Ryan**

*Director, Tarik Abdelazim*

## **STAFF REPORT**

TO: Planning Commission Members  
FROM: Planning, Housing and Community Development  
DATE: July 10, 2013  
SUBJECT: 7 and 15 Walter Avenue; Series A Site Plan Review / Special Use Permit  
TM ID #: 144.75-4-5, 144.75-4-6  
CASE: 2013-40  
COPIES: B. Seachrist, T. Costello, L. Webb (District 4), File

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### **A. REVIEW REQUESTED**

H.E. Consultants, LLC has submitted an application on behalf of Cook Brothers Truck Parts for Series A Site Plan / Special Use Permit review of a proposed project at 7 and 15 Walter Avenue. The proposed project would include the construction of a 19,259 square foot addition to an existing warehouse building connecting it to a 19,500 square foot former bowling alley. The bowling alley would be converted to a small parts warehouse, hose fabrication facility, line drive facility, and customer sales and pickup area.

The subject site is located in the I-3, Light and Medium Industrial Zone. The proposed project, considered an expansion of an existing warehouse/medium industrial use, requires Series A Site Plan / Special Use Permit approval by the City of Binghamton Planning Commission.

The total floor area of the facility would be 57,883 square feet. §410.53(C) of the Zoning Code (Off-Street Requirements by Land Use) requires a Warehouse Facility provide a minimum of 1.00 parking space per 1,200 square feet of gross floor area. Therefore, the proposed project must provide 58 off-street parking spaces. The existing parking area the parking area at 15 Walter contains 112 spaces. No new additional parking will be required.

### **B. PLANNING STAFF COMMENTS**

**Following review of the submitted materials, Planning Staff has the following comments:**

#### **Site Plan**

- **The proposed addition does not meet the 25-foot side yard setback requirement along the east and west property boundaries. The project shall either be revised to meet the setbacks or the applicant could pursue an area variance from the Zoning Board of Appeals. Either scenario would need to be fulfilled prior to a decision by the Planning Commission**

- The submitted site plan shall be revised to indicate the correct Lot Coverage (percentage of land area covered by impervious materials); the 'Site Information' table does not include a calculation based on all impervious surfaces (buildings, parking area and loading area). It is unclear if the project meets the maximum lot coverage requirement.
- The handicapped accessibility aisle closest to the entry of the formal bowling alley measures only 5 feet- an 8 foot width is required.
- As of this writing final exterior details of the addition have not been submitted. Exterior elevation drawings of the addition should be submitted to the Planning Commission for review and approval.
- The proposed addition is located over the interior lot line shared by 7 and 15 Walter Avenue. These two lots must be merged. Additionally, the stormwater management features are proposed to be located at 49 Whitney Avenue, located adjacent to the east of 7 Walter Avenue. This lot would either need to be included into the lot merger or a stormwater easement would need to be recorded. See proposed conditions.
- The existing sidewalk along the Whitney Avenue frontage is in severe disrepair and in need of replacement. The existing sidewalk width is ~9.5 feet; a standard 5' concrete sidewalk would match the existing sidewalk to the south of the subject property and be of sufficient width to address this concern. The sidewalk feature is not indicated on the site plan; a revised site plan should be submitted indicating its location and intent to address the issue.
- Staff recommends that the site plan be revised to extend the curb line and existing landscaped area, currently located in front of the bowling alley along Walter Avenue, along the frontage of the proposed addition and that the entire area between the curb line and the bowling alley and proposed addition be fully landscaped. Staff recommends that the Planning Commission require a landscape plan illustrating the size, species and location of all plant materials, including street trees, to be planted with this area. Staff further recommends that the Planning Commission require the planting of minimum 2.5 inch caliper street trees within the existing utility strips located in front of the bowling alley parking lot.

#### **Urban Runoff Reduction Plan (URRP)**

- The proposed project would create greater than 1,000 sf of impervious surface at the subject properties. A preliminary Urban Runoff Reduction Plan (URRP) has been accepted by the Stormwater Management Officer (Engineering Department).

#### **C. ADDITIONAL REVIEWS**

239 L&M Review is required for this project due to its proximity to NYS Route 363.

The project is not located within any designated Historic Districts, and does not involve any designated Landmark Properties; review by the Commission on Architecture and Urban Design is not required.

The project is not located within the Local Waterfront Revitalization Project boundaries; review by the Waterfront Advisory Committee is not required.

#### **D. COMPREHENSIVE PLAN & INITIATIVES IDENTIFIED FOR SUBJECT AREA**

No specific initiatives are detailed for the proposed project area in the most recent City of Binghamton Comprehensive Plan, adopted in 2003.

The subject properties are located within the boundaries of the Brandywine Brownfield Opportunity Area (BOA). Broome County has received a BOA Nomination award to study the Brandywine Corridor area. The BOA Program is designed to assist communities in fostering redevelopment and returning underutilized land into productive and catalytic areas while restoring environmental quality. The program is currently holding steering committee meetings to establish the strategies to implement this vision.

#### **E. STANDARDS FOR APPROVAL OF SITE PLANS**

Listed below are the ***Standards for approval of site plans*** found in Article IX of the Zoning Ordinance. In reviewing a Series A Site Plan application, the Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.

3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 410-41, and egress and ingress to parking and loading areas are so designed as to minimize the number of curb cuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 410-24 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 410-41. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

## **F. SITE REVIEW**

7 and 15 Walter Avenue are located at the corner of Walter Avenue where it transitions from an avenue traveling north/south, to one traveling east/west. 15 Walter Avenue is the site of the former Brandywine Bowl. The Brandywine Highway (Route 363) abuts the sites to the west.

The parcels are located within the I-3, Heavy Industrial District. Land use in the vicinity of the subject properties is primary commercial and industrial. Residential uses (primarily 1 & 2 family dwellings) are located on the east side of Whitney Avenue. Commercial uses occupy all parcels on the west side of Whitney Avenue to the north of the subject properties and along Walter Avenue.

## **G. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY**

49 Whitney Avenue and 7 Walter Avenue: On January 7, 2013, the Planning Commission granted Series A Site Plan / Special Use Permit approval to H. E. Consultants, LLC on behalf on Cook Bros., Inc. for an addition to an existing warehouse, subject to the following conditions:

1. That the applicant shall submit a revised site plan that accurately indicates the 5' sidewalk indicated for installation along the entirety of the eastern property line (along Whitney Avenue) as concrete, the location of all designated handicapped accessible parking spaces and 8' accessibility aisles;
2. That the applicant shall submit a revised planting plan (that meets the approval of Planning Department).

6 & 7 Walter Avenue: The Planning Commission, on May 20, 2009, granted Series A Site Plan / Special Use Permit approval to Triple Cities Holdings, LLC for a tractor-trailer sales and repair business and warehouse facility in the I-3 District, on the following conditions:

1. That the applicant shall replace or repair the existing chain-link fencing on the property.  
That the applicant shall place a visual screen of a permanent nature in the links of the chain-link fence.
2. That no outdoor storage of tires shall be permitted at any time.
3. That no outside storage of materials is permitted in the required front and side setback areas.
4. That there shall be no outdoor storage of vehicle parts, waste products, or other materials permitted unless appropriately screened from view by a means deemed appropriate by the Planning Department.
5. That no junk vehicles be permitted in the open except for those awaiting pick-up by owner, and then only for a period of time not to exceed several hours. Any other junk vehicles must be relocated to a completely enclosed garage or removed from the property.
6. That the applicant shall provide to Planning Staff (within 30 days of the filing of this decision) a revised site plan which includes a note addressing the above mentioned conditions 1, 2, 3, 4, 5 and 6.

17 Whitney Avenue: A Special Use Permit was granted to John Liberati in 1995 for the operation of an automobile repair shop.

67-71 Robinson Street: In 1975, an area variance of rear yard setback requirements was granted to Harris Enterprises Inc. to allow the construction of a commercial building.

73-75 Robinson Street:

- The Planning Commission granted a Special Use Permit to Cliff Thomas in 1997 to operate a car wash.
- M.J.M. Associates was granted an area variance in 1985 to permit an illuminated business sign on the property.

76 Robinson Street:

- Area variances for buffering and off-street parking requirements were requested by Ms. Carol Broderick in 1988. The variance of buffering requirements was granted by the Zoning Board of Appeals, but the

off-street parking variance was denied.

- In 1991, the Planning Commission granted a Special Use Permit to operate an auto and truck repair facility.

## H. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
  - a. Type I
  - b. Type II
  - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

## I. STAFF FINDINGS

Planning Staff has the following findings:

1. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for Special Use Permit / Series A Site Plan Review have been met.

2. The Planning Commission must determine if the requirements of Section 410-47 for Standards for Approval of Site Plans have been met.

Staff recommends the following conditions of approval:

1. Prior to filing a building permit application, 7 and 15 Walter Avenue shall be merged into one parcel.
2. Prior to approval of a final Urban Runoff Reduction Plan the applicant or developer shall execute an access and maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the City of Binghamton to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Chapter 227 of the City of Binghamton Code of Ordinances. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the Corporation Counsel for the City of Binghamton. Subject to approval by the Stormwater Management Officer, alternatively, and/or in addition to, 45 Whitney Avenue may be included in the lot merger of 7 and 15 Walter Avenue.
3. The Planning Commission's January 7, 2013 approval of Series A Site Plan / Special Use Permit for 49 Whitney Avenue and 7 Walter Avenue shall be nullified by this approval.

#### **J. ENCLOSURES**

Enclosed are copies of the site plan, application, short form EAF and site photos.

Report prepared by:

Leigh McCullen